

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 25-67 are pending in this application. Claims 1-24 have been canceled without prejudice or disclaimer of subject matter. Claims 25, 37, 50, 63 and 66, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification as originally filed and specifically at pages 3-4 of the Specification. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §112

Claim 63 was rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. Applicants submit that claim 63 is essentially a combination of originally filed claims 15, 16 and 19 and that support for claim 63 is also provided at page 5 of the Specification. Furthermore, Applicants submit that one or ordinary skill in the art would understand how to make and use the invention described by claim 63 based on the Specification as originally filed.

III. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 25-67 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,587,127 to Leeke et al.

Independent claim 25 recites, *inter alia*:

“A method for accessing one or more additional services temporarily included within a respective main service provided by a respective service provider, by means of a unidirectional broadcasting information flow between a transmitting device and a receiving device,
...extracting from a main service uni-directionally broadcasted by said service provider presently received by said receiving device service information about at least one of said corresponding additional services;

accessing at least one of said additional services about which service information was extracted according to said respective extracted service information;
...updating said stored service information each time the extracting step is executed.” (emphasis added)

As understood by Applicants, Leeke *et al.* essentially provides a graphical, browser-like “front-end” or GUI for navigating, in the manner of a web-site (cf. Fig. 41-43 and col. 29, lines 44-45), a plurality of mutually distinct (audio) content categories stored locally or remotely on a server (cf. col. 4, lines 52-56 and 65-67 as well as col. 5,1 lines 1-15), in particular for providing user feedback to said content (cf. col. 1, lines 14-57 and the references to feedback to col. 29, line 64 to col. 30, line 22). Figure 2, for example, illustrates a display window of the GUI having separate tabs for various audio content, specifically radio content, event content, library content and music content. As further discussed *e.g.* in lines 3-16 in col. 8, however, the various content of Leeke *et al.* does not represent additional services temporarily included within a main service as claimed. Instead, radio content is available from over-the-air broadcasts, whereas *e.g.* event content is distributed by a scheduler or an event manager. Similarly, library

content is obtained from stored audio of books, archived speeches, spoken audio, etc., whereas music content is taken from albums and other audio releases.

It is respectfully submitted that the cited portions of U.S. Patent No. 6,587,127 to Leeke et al. (hereinafter, merely “Leeke”) do not disclose the above-cited features of claim 25. Leeke does not disclose the important aspect that all service information needed by the receiving device to access an additional service is included and transmitted within the main service. Moreover, Leeke is not related to true, uni-directional broadcasting services since, e.g. in Fig. 1, there is clearly disclosed a bi-directional electronic network 100 driven by transceivers 120 and 126.

Applicants submit that the claimed invention is completely different from Leeke in that there is no interaction or communication possible with the main service provider on account of the uni-directional information flow.

Therefore, for at least the above-stated reasons, Applicants submit that claim 25 is patentable.

Independent claims 37, 50, 63 and 66 are similar, or somewhat similar, in scope and are believed patentable for similar, or somewhat similar, reasons.

Furthermore, independent claim 63 recites, *inter alia*:

“...wherein said time information is structured so that it comprises at least one relative time to a full hour if said corresponding additional service is transmitted every hour, or at least one offset to the time of the beginning of the day plus at least one repetition rate of said corresponding additional service.” (emphasis added)

Independent claim 63 recites that the time information of a broadcast signal is structured so that it comprises at least one relative time to a full hour if said corresponding

additional service is transmitted every hour, or at least one offset to the time of the beginning of the day plus at least one repetition rate of said corresponding additional service.

Applicants submit that Leeke does not disclose or suggest time information having the claimed structure, i.e. having a structure especially suited for additional services that are available at regular intervals, as recited in claim 63.

Therefore, Applicants submit that claim 63 is patentable.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By Thomas F. Presson
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800